

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:20-cv-00172-RC**

PROTECT DEMOCRACY PROJECT, INC. v. U.S.
DEPARTMENT OF JUSTICE et al
Assigned to: Judge Rudolph Contreras
Cause: 05:552 Freedom of Information Act

Date Filed: 01/22/2020
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**PROTECT DEMOCRACY
PROJECT, INC.**

represented by **Benjamin Leon Berwick**
THE PROJECT DEMOCRACY
PROJECT, INC
15 Main Street
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(202) 579-4582
Fax: (929) 777-8428
Email: ben.berwick@protectdemocracy.org
ATTORNEY TO BE NOTICED

Eric John Galvez Paredes
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V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Kari E. D'Ottavio**
U.S. DEPARTMENT OF JUSTICE
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1100 L Street NW
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202-305-0568
Email: kari.e.dottavio@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF DEFENSE

represented by **Kari E. D'Ottavio**
(See above for address)
LEAD ATTORNEY

Defendant**U.S. DEPARTMENT OF STATE**

represented by **Kari E. D'Ottavio**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/22/2020	<u>1</u>	COMPLAINT against DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE (Filing fee \$ 400 receipt number ADCDC-6756736) filed by PROTECT DEMOCRACY PROJECT, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Summons, # <u>13</u> Summons, # <u>14</u> Summons)(Tindall, Anne) (Entered: 01/22/2020)
01/22/2020	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PROTECT DEMOCRACY PROJECT, INC. (Tindall, Anne) (Entered: 01/22/2020)
01/22/2020	<u>3</u>	WITHDRAWN PURSUANT TO NOTICE FILED ON 2/3/2020..... MOTION for Preliminary Injunction by PROTECT DEMOCRACY PROJECT, INC. (Attachments: # <u>1</u> Memorandum in Support of Motion for Preliminary Injunction, # <u>2</u> Text of Proposed Order, # <u>3</u> Declaration of Anne H. Tindall, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Exhibit F, # <u>10</u> Exhibit G, # <u>11</u> Exhibit H, # <u>12</u> Exhibit I, # <u>13</u> Exhibit J, # <u>14</u> Declaration of Ian Bassin (Ex. K))(Tindall, Anne); Modified on 2/4/2020 (zth). (Entered: 01/22/2020)
01/23/2020		Case assigned to Judge Rudolph Contreras. (zmc) (Entered: 01/23/2020)
01/23/2020	<u>4</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE. (Attachment: # <u>1</u> Notice and Consent)(zmc) (Entered: 01/23/2020)
01/27/2020	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 1/27/2020 (Attachments: # <u>1</u> Delivery confirmation, # <u>2</u> Receipt)(Tindall, Anne) (Entered: 01/27/2020)
01/27/2020	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF DEFENSE served on 1/27/2020 (Attachments: # <u>1</u> Delivery confirmation, # <u>2</u> Receipt)(Tindall, Anne) (Entered: 01/27/2020)
01/27/2020	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF STATE served on 1/27/2020 (Attachments: # <u>1</u> Delivery confirmation, # <u>2</u> Receipt)(Tindall, Anne) (Entered: 01/27/2020)
01/28/2020	<u>8</u>	ENTERED IN ERROR.....CERTIFICATE OF SERVICE by PROTECT DEMOCRACY PROJECT, INC. <i>on January 27, 2020, as to U.S. Attorney General, pursuant to F.R.C.P. 4(i).</i> (Tindall, Anne) Modified on 1/29/2020 (zth). (Entered: 01/28/2020)
01/28/2020	<u>9</u>	ENTERED IN ERROR.....CERTIFICATE OF SERVICE by PROTECT DEMOCRACY PROJECT, INC. <i>on January 27, 2020, as to U.S. Attorney for the District of Columbia, pursuant to F.R.C.P. 4(i).</i> (Tindall, Anne) Modified on 1/29/2020 (zth). (Entered: 01/28/2020)
01/29/2020		NOTICE OF ERROR re <u>8</u> Certificate of Service; emailed to anne.tindall@protectdemocracy.org, cc'd 1 associated attorneys — The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. The correct event can be found under the Service of Process heading. (zth,) (Entered: 01/29/2020)
01/29/2020		NOTICE OF ERROR re <u>9</u> Certificate of Service; emailed to anne.tindall@protectdemocracy.org, cc'd 1 associated attorneys — The PDF file you

		docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. The correct event can be found under the Service of Process heading. (ztth,) (Entered: 01/29/2020)
01/31/2020	<u>10</u>	NOTICE of Appearance by Kari E. D'Ottavio on behalf of All Defendants (D'Ottavio, Kari) (Entered: 01/31/2020)
02/03/2020	<u>11</u>	NOTICE OF WITHDRAWAL OF MOTION re <u>3</u> by PROTECT DEMOCRACY PROJECT, INC. (Tindall, Anne) Modified to add link on 2/5/2020 (znmw). (Entered: 02/03/2020)
02/19/2020	<u>12</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– John Paredes, Filing fee \$ 100, receipt number ADCDC–6845023. Fee Status: Fee Paid. by PROTECT DEMOCRACY PROJECT, INC. (Attachments: # <u>1</u> Declaration of John Paredes, # <u>2</u> Proposed Order)(Tindall, Anne) (Entered: 02/19/2020)
02/19/2020	<u>13</u>	AMENDED COMPLAINT against All Defendants filed by PROTECT DEMOCRACY PROJECT, INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M)(Tindall, Anne) (Entered: 02/19/2020)
02/19/2020	<u>14</u>	MOTION for Preliminary Injunction by PROTECT DEMOCRACY PROJECT, INC. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Anne H. Tindall, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Exhibit M, # <u>16</u> Proposed Order)(Tindall, Anne) (Entered: 02/19/2020)
02/19/2020	<u>15</u>	Emergency MOTION for expedited briefing and argument schedule re <u>14</u> MOTION for Preliminary Injunction by PROTECT DEMOCRACY PROJECT, INC. (Attachments: # <u>1</u> Proposed Order)(Tindall, Anne) Modified event on 2/20/2020 (ztth). (Entered: 02/19/2020)
02/24/2020		MINUTE ORDER granting <u>12</u> Motion for Leave to Appear <i>Pro Hac Vice</i> : Pursuant to Local Civil Rule 83.2(d), it is hereby ORDERED that John Paredes is admitted to represent Plaintiff <i>pro hac vice</i> in this case. SO ORDERED. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions. Signed by Judge Rudolph Contreras on 2/24/2020. (lrc1) (Entered: 02/24/2020)
02/26/2020	<u>16</u>	NOTICE of Appearance by Eric John Galvez Paredes on behalf of PROTECT DEMOCRACY PROJECT, INC. (Paredes, Eric John) (Entered: 02/26/2020)
02/26/2020	<u>17</u>	Memorandum in opposition to re <u>14</u> MOTION for Preliminary Injunction filed by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(D'Ottavio, Kari) (Entered: 02/26/2020)
03/03/2020	<u>18</u>	NOTICE of Appearance by Benjamin Leon Berwick on behalf of PROTECT DEMOCRACY PROJECT, INC. (Berwick, Benjamin) (Entered: 03/03/2020)
03/03/2020	<u>19</u>	REPLY to opposition to motion re <u>14</u> MOTION for Preliminary Injunction filed by PROTECT DEMOCRACY PROJECT, INC.. (Attachments: # <u>1</u> Declaration of John Paredes, # <u>2</u> Exhibit N)(Paredes, Eric John) (Entered: 03/03/2020)
03/04/2020	<u>20</u>	ANSWER to <u>13</u> Amended Complaint, by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE.(D'Ottavio, Kari) (Entered: 03/04/2020)
03/06/2020		MINUTE ORDER: It is hereby ORDERED that a hearing on <u>14</u> Plaintiff's motion for a preliminary injunction is scheduled for March 12, 2020, at 2:00 p.m. in Courtroom 14 before Judge Rudolph Contreras. It is FURTHER ORDERED that, on March 11, 2020, Defendants file updated versions of the declarations supporting their <u>17</u> memorandum in opposition to the motion. SO ORDERED. Signed by Judge Rudolph Contreras on 3/6/2020. (lrc1) (Entered: 03/06/2020)
03/09/2020		Set/Reset Hearings: Status Conference set for 3/12/2020 at 2:00 PM in Courtroom 14 before Judge Rudolph Contreras. (tj) (Entered: 03/09/2020)

03/11/2020	<u>21</u>	NOTICE <i>with Updated Declarations</i> by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE (D'Ottavio, Kari) (Entered: 03/11/2020)
03/12/2020	<u>22</u>	NOTICE <i>of Legislation</i> by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE (D'Ottavio, Kari) (Entered: 03/12/2020)
03/12/2020		MINUTE ORDER: As stated on the record during the hearing on March 12, 2020, a further hearing is scheduled for March 19, 2020, at 2:00 p.m. in Courtroom 14. It is FURTHER ORDERED that Defendants shall, sometime before 12:00 noon on March 19, 2020, submit a filing on behalf of OLC indicating whether it possesses a memorandum or opinion responsive to Plaintiff's FOIA requests. SO ORDERED. Signed by Judge Rudolph Contreras on 3/12/2020. (lcrc1) (Entered: 03/12/2020)
03/12/2020		Minute Entry for proceedings held before Judge Rudolph Contreras: Motion Hearing held on 3/12/2020 re <u>14</u> MOTION for Preliminary Injunction filed by PROTECT DEMOCRACY PROJECT, INC. Government brief due by 3/19/2020. Next Hearing set for 3/19/2020 at 2:00 PM in Courtroom 14 before Judge Rudolph Contreras.). (Court Reporter: Lisa Moreira.) (tj) (Entered: 03/13/2020)
03/16/2020	<u>23</u>	Joint MOTION for Leave to Appear by Telephone <i>at the March 19, 2020 Hearing</i> by PROTECT DEMOCRACY PROJECT, INC. (Paredes, Eric John) (Entered: 03/16/2020)
03/16/2020		MINUTE ORDER: In light of the concerns raised in <u>23</u> the joint motion concerning the coronavirus (COVID-19), but given that a teleconference would implicate similar concerns by requiring court personnel (including a courtroom deputy, court reporter, etc.) to travel to the courthouse, the upcoming hearing is hereby VACATED and the parties shall, instead, by close of business on March 19, 2020, submit written proposed schedules to govern this case. SO ORDERED. Signed by Judge Rudolph Contreras on 3/16/2020. (lcrc1) (Entered: 03/16/2020)
03/17/2020		NOTICE OF CORRECTED DOCKET ENTRY: re <u>23</u> Joint MOTION for Leave to Appear by Telephone <i>at the March 19, 2020 Hearing</i> . In the future said document should be filed in pleading format. Please refer to LCvR 5.1(a). (zttth) (Entered: 03/17/2020)
03/17/2020	<u>24</u>	NOTICE <i>Regarding Escalating Hostilities with Iran</i> by PROTECT DEMOCRACY PROJECT, INC. (Tindall, Anne) (Entered: 03/17/2020)
03/18/2020		Set/Reset Deadlines: Proposed Schedules due by 3/19/2020. (tj) (Entered: 03/18/2020)
03/19/2020	<u>25</u>	NOTICE <i>of OLC memorandum</i> by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE (D'Ottavio, Kari) (Entered: 03/19/2020)
03/19/2020	<u>26</u>	Joint STATUS REPORT <i>and Partial Proposed Schedules</i> by PROTECT DEMOCRACY PROJECT, INC.. (Paredes, Eric John) (Entered: 03/19/2020)
03/24/2020	<u>27</u>	<p>TRANSCRIPT OF MOTION HEARING before Judge Rudolph Contreras held on March 12, 2020; Page Numbers: 1–25. Date of Issuance: March 24, 2020. Court Reporter/Transcriber Lisa A. Moreira, RDR, CRR, Telephone number (202) 354–3187, Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p>

		Redaction Request due 4/14/2020. Redacted Transcript Deadline set for 4/24/2020. Release of Transcript Restriction set for 6/22/2020.(Moreira, Lisa) (Entered: 03/24/2020)
03/26/2020		MINUTE ORDER: Upon consideration of <u>26</u> the parties' joint status report, it is hereby ORDERED that the parties shall file another joint status report on or before April 3, 2020. SO ORDERED. Signed by Judge Rudolph Contreras on 3/26/2020. (lcrc1) (Entered: 03/26/2020)
03/26/2020		Set/Reset Deadlines: Status Report due by 4/3/2020 (tj) (Entered: 03/26/2020)
04/03/2020	<u>28</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE. (D'Ottavio, Kari) (Entered: 04/03/2020)
04/03/2020		MINUTE ORDER: Upon consideration of <u>28</u> the parties' joint status report, it is hereby ORDERED that the parties shall file another joint status report on or before May 29, 2020. The Court also expresses its appreciation for the manner in which the parties have cooperatively worked together in light of the extraordinary strain COVID-19 has put on the Court, the Department of Justice, the responding agencies, and the public at large. SO ORDERED. Signed by Judge Rudolph Contreras on 4/3/2020. (lcrc1) (Entered: 04/03/2020)
04/06/2020		Set/Reset Deadlines: Status Report due by 5/29/2020 (tj) (Entered: 04/06/2020)
05/29/2020	<u>29</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE. (D'Ottavio, Kari) (Entered: 05/29/2020)
05/29/2020		MINUTE ORDER: Upon consideration of <u>29</u> the parties' joint status report, it is hereby ORDERED that the parties shall file another joint status report on or before July 31, 2020. SO ORDERED. Signed by Judge Rudolph Contreras on 5/29/2020. (lcrc1) (Entered: 05/29/2020)
06/01/2020		Set/Reset Deadlines: Status Report due by 7/31/2020. (tj) (Entered: 06/01/2020)
06/22/2020	<u>30</u>	Joint STATUS REPORT <i>and Proposed Briefing Schedule</i> by PROTECT DEMOCRACY PROJECT, INC.. (Paredes, Eric John) (Entered: 06/22/2020)
06/22/2020		MINUTE ORDER: Consistent with the briefing schedule proposed by the parties in <u>30</u> their joint status report, it is hereby ORDERED that the following schedule shall govern summary judgment briefing in this case: the Government shall file its motion for summary judgment on or before July 2, 2020; Plaintiff shall file its opposition and cross-motion for summary judgment on or before July 16, 2020; the Government shall file its opposition and reply on or before July 30, 2020; and Plaintiff shall file its reply on or before August 6, 2020. SO ORDERED. Signed by Judge Rudolph Contreras on 6/22/2020. (lcrc1) (Entered: 06/22/2020)
06/22/2020		MINUTE ORDER: In light of the representations in <u>30</u> the parties' most recent joint status report, <u>14</u> Plaintiff's motion for preliminary injunction and <u>15</u> Plaintiff's motion for expedited hearing and briefing schedule are DENIED as moot. SO ORDERED. Signed by Judge Rudolph Contreras on 6/22/2020. (lcrc1) (Entered: 06/22/2020)
06/23/2020		Set/Reset Deadlines: Cross Motions due by 7/16/2020. Response to Cross Motions due by 7/30/2020. Reply to Cross Motions due by 8/6/2020. Summary Judgment motions due by 7/2/2020. Response to Motion for Summary Judgment due by 7/16/2020. Reply to Motion for Summary Judgment due by 7/30/2020. (tj) (Entered: 06/23/2020)
07/02/2020	<u>31</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF STATE (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(D'Ottavio, Kari) (Entered: 07/02/2020)